

Jennifer Wood
Mayor

J. Carlos Gomez
Mayor Pro Tem

Chuck McGuire
Councilmember

Donald Parris
Councilmember

Eugene Stump
Councilmember



AGENDA

CITY OF CALIFORNIA CITY
CITY COUNCIL

Monday, November 19, 2018
Special Meeting 6:00 pm

Council Chambers
21000 Hacienda Blvd.
California City, Ca 93505

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (760) 373-7140. Notification of 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

NOTE: Any writings or documents provided to a majority of the City Council regarding any item on this agenda is available for public inspection in the City Clerk's office at City Hall located at 21000 Hacienda Blvd, California City, Ca during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable laws. These writings are also available for review in the public access binder in the Council Chambers at the time of the meeting

November 19, 2018

*****At this time, please take a moment to turn off your cell phones*****

CALL TO ORDER

PLEDGE OF ALLEGIANCE / INVOCATION

ROLL CALL

Councilmembers McGuire, Parris, Stump, Mayor Pro Tem Gomez, Mayor Wood

ADOPT THE AGENDA

CONSENT CALENDAR All items on the consent calendar are considered routine and non-controversial and will be approved by one motion if no member of the Council, staff or public wishes to comment or ask questions. (Public comments to be limited to three minutes) Roll call vote required.

CC 1. Recommendation to deny Claim: Holly Takas, Paul Nielsen, Elijah Nielsen and Zoey Gaylene Nielsen Takas

NEW BUSINESS

NB 1. Budget Workshop – City Manager Stockwell, Department Heads

Recommendation

Staff present proposed budget, council discuss and motion to make approvals as desired

ADJOURNMENT

Motion to continue budget workshop to Tuesday, October 20, 2018 at 6:00 pm.

AFFIDAVIT OF POSTING: This agenda was posted on all official City bulletin boards, the City's website and agenda packets were completely accessible to the public at City Hall at least 24 hours prior to the Council Meeting.

Denise Hilliker, City Clerk

Date Received:

Copy To: _____

CLAIM AGAINST THE CITY OF CALIFORNIA CITY
Government Code Sections 910 and 910.4

PLEASE PRINT

Claim No.: _____

Claimant: HOLLY TAKAS, ZOEY GAYLENE NIELSEN TAKAS
PAUL NIELSEN, ELIJAH NIELSEN SS NO. _____

Mailing address: C/O HENRY T. HEUER, ESQ. City: _____ Zip: _____

Home address: C/O HENRY T. HEUER, ESQ. City: _____ Zip: _____

Send Notices to: HENRY T. HEUER, 11377 W. OLYMPIC BLVD., #216, LOS ANGELES, CA 90064

Phone Numbers - Home: () _____; Work: (310) 477-7442

Date of accident or occurrence: APRIL 12, 2018

Location of accident or occurrence: NEURALIA ROAD NEAR LINDBERG BLVD, CAL. CITY

Describe accident or occurrence and include injury, damage, loss, indebtedness/obligation to the extent known: HEAD-ON COLLISION; PERSONAL INJURIES AND WRONGFUL DEATH

- SEE ADDENDUM ATTACHED - 5 PAGES

Give name(s) of District employee or employees causing the injury, damage, or loss, if known: _____

NOT KNOWN AT THIS TIME

Amount of claim to date - actual: UNLIMITED CIVIL CASE

Basis of computation (3 estimates recommended): SEE ADDENDUM ATTACHED - 5 PAGES

Amount claimed to date - estimated: UNLIMITED CIVIL CASE

Basis of computation: SEE ADDENDUM ATTACHED - 5 PAGES

OCTOBER 3, 2018
Date

Henry T. Heuer
Signature of Claimant or Person Acting on Claimant's Behalf
HENRY T. HEUER, ESQ., ATTORNEY FOR CLAIMANTS

1 Henry T. Heuer, State Bar No. 69006
Attorney-At-Law
2 11377 West Olympic Boulevard, Suite 216
Los Angeles, CA 90064
3 Telephone: (310) 477-7442
4

5 Attorney for Claimants,
Holly Takas
6 Paul Nielsen
Elijah Nielsen
7 Zoey Gaylene Nielsen Takas
8

9 **ADDENDUM**
10 **TO CLAIM AGAINST THE CITY OF CALIFORNIA CITY**
11

12 **Claim of:**

13 HOLLY TAKAS, PAUL NIELSEN,
14 ELIJAH NIELSEN and ZOEY
15 GAYLENE NIELSEN TAKAS

16 vs.

17 CITY OF CALIFORNIA CITY
18

**GOVERNMENT TORT CLAIM FOR
PERSONAL INJURIES AND
WRONGFUL DEATH**

19
20 To the clerk and the governing board of the City of California City:

21 You are hereby notified that claimants, Holly Takas, Paul Nielsen, Elijah Nielsen
22 and Zoey Gaylene Nielsen Takas, each claim damages from the City of California City.

23 These claims are for personal injuries sustained by Paul Nielsen and Elijah Nielsen.
24 These claims are also for wrongful death of Kody Oran Arthur Nielsen who at the time of
25 his death was the husband of claimant, Holly Takas, and the father of claimants, Paul
26 Nielsen, Elijah Nielsen and Zoey Gaylene Nielsen Takas.

27 Holly Takas, Paul Nielsen, Elijah Nielsen and Zoey Gaylene Nielsen Takas are each
28 the heirs of Kody Oran Arthur Nielsen. These claims for personal injury and for the

1 wrongful death of Kody Oran Arthur Nielsen arose in connection with the automobile
2 accident on April 12, 2018 on Neuralia Road, near Lindberg Boulevard in the City of
3 California City. The claims arose under the following circumstances:

4 On April 12, 2018, at approximately 5:30 p.m., Kody Oran Arthur Nielsen was
5 driving his 2012 Ford Fusion traveling at a safe speed southbound on Neuralia Road near
6 Lindbergh Boulevard in the City of California City. At that time and place dust was
7 affecting the visibility of the roadway maintained by the City of California City. At that
8 time and place Kody Oran Arthur Nielsen had a head-on collision with another
9 automobile. Kody Oran Arthur Nielsen died as a result of that crash. Paul Nielsen and
10 Elijah Nielsen were passengers in the 2012 Ford Fusion driven by Kody Oran Arthur
11 Nielsen and suffered personal injuries as a result of the head-on collision. The visibility at
12 the time of the accident was 10 feet at the portion of the highway where the accident
13 occurred.

14 At approximately 11:00 a.m., and on multiple times during the six and one-half
15 hours thereafter, until the time of the accident at 5:30 p.m., local residents reported to the
16 City of California City that there was a dangerous condition on the roadway where the
17 accident occurred.

18 In light of the very poor visibility at the scene of the accident and the likelihood of
19 severe injuries that might occur to drivers on that portion of the roadway, the City of
20 California City should have taken reasonable steps to halt and divert traffic on that portion
21 of the highway or to adequately warn automobile drivers of the existing hazardous
22 condition. The City of California City failed to take any reasonable and timely steps to
23 protect automobile drivers, including Kody Oran Arthur Nielsen, of the existing dangerous
24 and hazardous condition.

25 The names of the public employees causing claimants' injuries under the described
26 circumstances are not known to claimants.

27 The injuries sustained by claimants, as far as known, as of the date of presentation
28 of this claim, consists of the following:

1 As for claimant, Holly Takas:

- 2 • Loss of financial support that Kody Oran Arthur Nielsen would have
- 3 contributed to the family during his life expectancy;
- 4 • The loss of gifts and other benefits that this claimant would have
- 5 expected to receive from Kody Oran Arthur Nielsen;
- 6 • Funeral expenses and burial expenses for Kody Oran Arthur Nielsen;
- 7 • The reasonable value of household services that Kody Oran Arthur
- 8 Nielsen would have provided;
- 9 • The loss of use and the fair market value of the 2012 Ford Fusion that
- 10 was destroyed;
- 11 • Other economic damages sustained by this claimant, according to proof;
- 12 • Noneconomic damages for the loss of love, companionship, comfort,
- 13 care, assistance, protection, affection, society, and moral support that
- 14 Kody Oran Arthur Nielsen would have provided to this claimant;
- 15 • Noneconomic damages for the loss of enjoyment of sexual relations;
- 16 • Noneconomic damages for the loss of training and guidance; and
- 17 • Other noneconomic damages, according to proof.

18 As for claimant Paul Nielsen:

- 19 • Damages for past and future medical expenses, according to proof.
- 20 • Damages for the loss of this claimant's future earnings and his ability to
- 21 earn money;
- 22 • Damages for past and future physical pain and mental suffering, loss of
- 23 enjoyment of life, disfigurement, physical impairment, inconvenience,
- 24 grief, anxiety, humiliation, and emotional distress.
- 25 • Loss of financial support that Kody Oran Arthur Nielsen would have
- 26 contributed to the family during his life expectancy;
- 27 • The loss of gifts and other benefits that this claimant would have
- 28 expected to receive from Kody Oran Arthur Nielsen;

- Other economic damages sustained by this claimant, according to proof;
- Noneconomic damages for the loss of love, companionship, comfort, care, assistance, protection, affection, society, and moral support that Kody Oran Arthur Nielsen would have provided to this claimant;
- Noneconomic damages for the loss of training and guidance; and
- Other noneconomic damages, according to proof.

As for claimant Elijah Nielsen:

- Damages for past and future medical expenses, according to proof.
- Damages for the loss of this claimant's future earnings and his ability to earn money;
- Damages for past and future physical pain and mental suffering, loss of enjoyment of life, disfigurement, physical impairment, inconvenience, grief, anxiety, humiliation, and emotional distress.
- Loss of financial support that Kody Oran Arthur Nielsen would have contributed to the family during his life expectancy;
- The loss of gifts and other benefits that this claimant would have expected to receive from Kody Oran Arthur Nielsen;
- Other economic damages sustained by this claimant, according to proof;
- Noneconomic damages for the loss of love, companionship, comfort, care, assistance, protection, affection, society, and moral support that Kody Oran Arthur Nielsen would have provided to this claimant;
- Noneconomic damages for the loss of training and guidance; and
- Other noneconomic damages, according to proof.

As for claimant Zoey Gaylene Nielsen Takas:

- Loss of financial support that Kody Oran Arthur Nielsen would have contributed to the family during his life expectancy;
- The loss of gifts and other benefits that this claimant would have expected to receive from Kody Oran Arthur Nielsen;

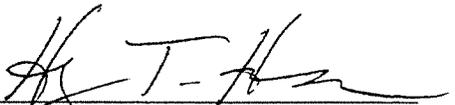
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- Other economic damages sustained by this claimant, according to proof;
- Noneconomic damages for the loss of love, companionship, comfort, care, assistance, protection, affection, society, and moral support that Kody Oran Arthur Nielsen would have provided to this claimant;
- Noneconomic damages for the loss of training and guidance; and
- Other noneconomic damages, according to proof.

If this claim were presented to a Superior Court of the State of California, it would be classified as an unlimited civil case and would not be classified as a limited civil case.

All notices or other communications with regard to these claims should be sent to Henry T. Heuer, Esq., Attorney-At-Law, 11377 West Olympic Boulevard, Suite 216, Los Angeles, CA 90064; 310-477-7442.

Dated: October 3, 2018


HENRY T. HEUER,
Attorney for Claimants,
Holly Takas, Paul Nielsen,
Elijah Nielsen, Zoey Gaylene
Nielsen Takas